

## **REMARKS**

### **Status of the Claims**

As indicated in the Office Action Summary, claims 1-25 are pending. Claims 11-22 stand withdrawn. Claims 11-22 are canceled herein as directed to a non-elected subject matter as required by the Office Action. Applicants reserve the right to file at least one divisional application directed to this subject matter.

Applicants note with appreciating that the Office Action Summary states that the claim for priority has been perfected.

Applicants respectfully request the Examiner to reconsider and withdraw the outstanding rejections in view of the foregoing amendments and the following remarks.

### **Rejection under 35 U.S.C. §112, first paragraph**

Claims 1-10 and 23-25 remain rejected under 35 U.S.C. §112, first paragraph, as purportedly failing to comply with the enablement requirement. The Office states that claims as directed to prevention are not enabled. In the interest of expediting prosecution, and without acquiescing in the rejection, the claims are amended herein to remove "prevention". Thus, this rejection is obviated.

### **Claim Rejections under 35 U.S.C. §102**

Claims 1-10 and 23-25 stand rejected under 35 U.S.C. §102(e) as purportedly anticipated by Reuben et al. (U.S. Patent Publication No. US 2002/0072596) ("Reuben").

To anticipate a claimed invention under 35 U.S.C. §102, a reference must teach each and every element of the claimed invention. See *Lindeman Maschinenfabrik GmbH v. American Hoist and Derrick Company*, 221 USPQ 481, 485 (Fed. Cir. 1984). Applicants submit that Reuben does not disclose each element of the claims.

As set forth herein, the present claims are directed to a method for the reduction of adhesion formation, wherein a therapeutically effective amount of a substance that inhibits a pro-inflammatory cytokine is administered. Reuben does not disclose the reduction of adhesion formation. Instead, Reuben merely discloses the treatment of hypertrophic scars and keloids.

Adhesions are the result of the abnormal joining of tissue to each other. As the joining of the tissues which result in an adhesion is abnormal, it is not the same as a normal tissue occurrence in the body. The present specification notes that the reduction of adhesion formation is the formation of non-adherent soft, connective tissue, instead of the formation of an adherent, dense lump of tissue.

This adhesion of tissue does not occur in hypertrophic scars and/or keloids and is very different. In fact, in paragraphs [0618] and [0621], Reuben discloses that the disclosed substances could actually increase the adherence of skin grafts to the wound bed. Thus, Reuben is disclosing substances that increase adhesion of tissues and would therefore not be very effective in reducing adhesion formation as recited in the present claims.

As Reuben fails to recite the elements of the present claims, Applicants request that the rejection under 35 U.S.C. §102 be withdrawn.

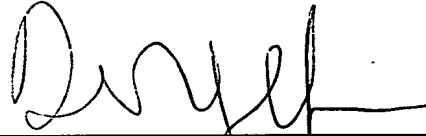
**CONCLUSION**

In the event that there are any questions relating to this application, it would be appreciated if the Examiner would telephone the undersigned concerning such questions so that prosecution of this application may be expedited.

The Director is hereby authorized to charge any appropriate fees that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

Respectfully submitted,

BUCHANAN INGERSOLL PC  
(INCLUDING ATTORNEYS FROM BURNS DOANE SWECKER & MATHIS)



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